

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTER BURSEY,

Defendant.

No. 09-30067-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is Defendant Bursey's Motion for Continuance (Doc. 20). Specifically, Defendant Bursey argues that his counsel is scheduled to begin a jury trial on October 5, 2009 and October 19, 2009 and has not had enough time to prepare for trial in this case. To force a defendant to trial without adequate time to prepare would constitute a miscarriage of justice. Further, Defendant argues that he is currently engaged in negotiations which may result in an agreed disposition. The Government does not object to the motion. Therefore, the Court finds that the trial should be postponed so that Defendant has adequate time to conduct negotiations and, if necessary, prepare for trial. In addition, the Court finds that pursuant to **18 U.S.C. §3161 (h)(7)(A)**, the ends of justice served by the granting of such a continuance outweigh the best interest of the public and the Defendant in a speedy trial. Further, forcing the parties to trial on a case that appears to have great potential to resolve amicably would be a great miscarriage of justice.

Therefore, the Court **GRANTS** Defendant Bursey's Motion for

Continuance (Doc. 20). The Court **CONTINUES** the trial currently scheduled for October 13, 2009 until **January 11, 2010 at 9:00 a.m.** The time from the date the original motion was filed, September 28, 2009, until the date on which the trial is rescheduled, January 11, 2010, is excludable for purposes of a speedy trial.

Should either party believe that a witness will be required to travel on the Justice Prisoner and Alien Transportation System (JPATS) in order to testify at the trial of this case, a writ should be requested at least two months in advance.

IT IS SO ORDERED.

Signed this 29th day of September, 2009.

/s/ David R. Herndon

Chief Judge
United States District Court